

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Emergency Petition of the Texas Commission on)
State Emergency Communications for FCC)
Compliance Oversight Regarding the Six-Month)
Deadline for Implementation of Wireless E9-1-1)
Phase I Service And Conditional Petition for)
Maximum Sanctions Against Carriers for)
Violations of the FCC's Wireless E9-1-1 Rules)
Related to those Wireless Carriers Not)
Operational by August 31, 2000)

CC Docket No. 94-102

DOCKET FILE COPY ORIGINAL

To: The Federal Communications Commission

**CONSOLIDATED RESPONSE TO EMERGENCY PETITION FOR FCC COMPLIANCE
OVERSIGHT AND CONDITIONAL PETITION FOR MAXIMUM SANCTIONS**

South RSA No. 5, LP d/b/a Brazos Cellular Communications Ltd., CGKC&H No. 2 Rural Cellular Limited Partnership, CT Cube, Inc., Mid-Tex Cellular, Ltd. and Texas RSA 7B3 d/b/a Peoples Cellular (hereinafter, the "Wireless Carriers"), through counsel, and pursuant to Section 1.45 of the Commission's Rules, hereby respond to the Emergency Petition for FCC Compliance Oversight and Conditional Petition for Maximum Sanctions ("Petition") filed by the Texas Commission on State Emergency Communications ("CSEC") on July 10, 2000¹. Wireless Carriers limit their response to a discussion of their E911 implementation efforts as related to the CSEC's request for sanctions.

To the extent that the CSEC is requesting the imposition of "maximum sanctions" against Wireless Carriers, such request is unfounded and is entirely premature. Wireless Carriers are and have been each diligently working to timely deploy Phase I E911 in their respective

¹ Although electronic mail correspondence from the CSEC to Wireless Carriers dated July 14, 2000 states that the Petition was filed on July 10, 2000, the Petition's Certificate of Service states that the parties were served "on or before July 11, 2000, using "regular or overnight mail, fax and e-mail." Due to the ambiguity concerning the service date, Wireless Carriers are treating the Petition as if it were filed on the earlier date, July 10, 2000.

service areas. However, as the CSEC is well aware², an inability to obtain the necessary trunk lines from incumbent local exchange carriers (“ILECs”) GTE of the Southwest, Inc. (“GTE”) and Southwestern Bell Telephone Company (“SWBT”) despite repeated requests for provisioning has posed an insurmountable obstacle to deployment of Phase I E911 to date. As a result, prior to the six month implementation deadline established by Section 20.18 of the FCC’s Rules, Wireless Carriers requested and were granted an extension of the implementation deadline by the CSEC.³ As a result of continued delays on the part of the ILECs, additional extensions were sought by Wireless Carriers and approved by the CSEC.

The Petition recognizes that “in some cases, the delays in implementing the wireless E9-1-1 Phase I service involve delays associated with the SWBT and GTE ordering processes for the dedicated E9-1-1 trunks needed for interconnection to the ILEC 9-1-1 networks.” Petition at p.3, n. 6. However, the Petition also contends that “aside from the few exceptions already noted⁴, all of the wireless carriers included in Appendix B of this pleading have not met the six-month deadline in the FCC wireless E9-1-1 rules.” Petition at p. 3 (emphasis added). To the extent that the CSEC is suggesting that Wireless Carriers may now be in noncompliance with Section 20.18, this is the first indication that Wireless Carriers have received from the CSEC that the CSEC may now possibly be considering the extensions previously granted to be no longer in effect. Upon receipt and review of the Petition, Wireless Carriers requested that the CSEC confirm that such extensions remain in place, and this afternoon, counsel for Wireless Carriers received written confirmation from the CSEC that the implementation deadline for each Wireless Carrier has been “extended to 10-days after installation of trunks but no later than August 31, 2000.”

² Wireless Carriers have maintained an ongoing dialogue with the CSEC both telephonically and in writing concerning their implementation efforts and obstacles.

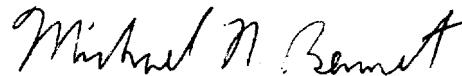
³ Because the six month deadline is triggered by the date of the CSEC request, the CSEC may at its discretion extend such deadline.

⁴ The Petition is not clear as to which carriers it is referring with the phrase “the few exceptions already noted”. The exceptions may mean the three carriers referenced whose compliance dates fall in late July or mid-August or the exceptions may be referring to the carriers experiencing delays in the trunk ordering process.

See electronic mail message from Kelli Merriweather to Michael Bennet of July 25, 2000 (copy attached). Accordingly, notwithstanding any implication to the contrary in its Petition, the CSEC clearly deems Wireless Carriers to be in compliance with Section 20.18 of the FCC's rules. Should continued ILEC delays threaten to delay implementation beyond August 31, 2000, and the CSEC decline to grant a further extension, Wireless Carriers will to the extent necessary file formal requests for a temporary waiver of Section 20.18 with the Commission.

If the CSEC wishes, as it claims, to seek the imposition of sanctions *only* against carriers who have not implemented Phase I E911 by August 31, 2000, it should seek such sanctions after such date, and only against such carriers that have not achieved such implementation by that date. It is an inappropriate use of the Commission's scarce resources to consider any request for sanctions prior to September 1, 2000.

Respectfully submitted,



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Brazos Cellular Communications Ltd.
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ATTACHMENT

Michael Bennet

From: "Kelli Merriweather" <kelli.merriweather@csec.state.tx.us>
To: "Michael Bennet" <mbennet@bennetlaw.com>
Cc: "Paco Gonzales (E-mail)" <pacolaw@msn.com>; "Richard Muscat (E-mail)" <richard.muscat@worldnet.att.net>
Sent: Tuesday, July 25, 2000 4:09 PM
Subject: RE: Phase I E911 Implementation (Peoples Cellular)

Michael,

Per our telephone conversation, CSEC would like to clarify that the extension to the 6-month FCC deadline to deploy wireless Phase I E9-1-1 service requested by the state program will be extended to 10-days after installation of trunks but no later than August 31, 2000 to the following carriers whom you represent:

People's Cellular
CT Cube
CGKC&H
Mid-Tex
Brazos Cellular

Please let us know as soon as possible if you experience any problems with the LECs in provisioning the trunks in a timely manner.

Kelli Merriweather
Compliance Program Administrator
Commission on State Emergency Communications
(CSEC)
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Certificate of Service

I hereby certify that a copy of the foregoing Consolidated Response To Emergency Petition For FCC Compliance Oversight And Conditional Petition For Maximum Sanctions was mailed, this 25th day of July, 2000 by regular mail, postage prepaid to the following:

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The Honorable Pat Wood, III Chairman
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La Shawn Berger